

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

CYRIACUS AKAS

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* Criminal No. JFM-91-0305
* Civil No. JFM-00-985
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MEMORANDUM

Cyriacus Akas has filed a motion for a Writ of Coram Nobis. The motion will be denied.¹ Akas was convicted (after a jury trial) of charges of conspiracy to import controlled dangerous substance, conspiracy to distribute and possess with intent to distribute controlled dangerous substances, and money laundering. He was sentenced to 235 months imprisonment and 5 years of supervised release. The basis of his motion is that his counsel was ineffective in advising him to concentrate on the criminal charges against him rather than the consequences of a conviction. Akas asserts that as a result he did not plead guilty to a lesser charge than the charges of which he was convicted, that he would not have faced deportation if he had pled to a lesser charge, and that his counsel was ineffective in following the course he did.²

Coram Nobis “is limited to those cases where the errors were of the most fundamental character, that is, such as rendered the proceeding itself irregular and invalid.” *United States v. Michaud*, 925 F.2d 37, 39 (1st Cir. 1991). “[I]t is difficult to conceive of a situation in a federal

¹ Akas has also filed a motion for modification of the terms of his supervised release. Akas presently is in the custody of ICE awaiting deportation. He has not alleged any manner in which the modification to the terms of his supervised release would be of any benefit to him.

² Akas also points out that he has been a model prisoner. Akas’ apparent record in that regard is commendable but it does not afford him any basis for relief in this action.

criminal case today where a writ of coram nobis would be necessary or appropriate.” *Carlisle v. United States*, 517 U.S. 416, 429 (1996). Akas has alleged no such fundamental error here.

A separate order effecting the rulings made in this memorandum is being entered herewith.

DATE: 22, 2009

/s/

J. Frederick Motz
United States District Judge